

AMARILLO DAILY NEWS

VOL. 11. NO. 242.

AMARILLO, TEXAS, SATURDAY, AUGUST 12, 1911.

PRICE FIVE CENTS

THREE HUNDRED SIGN PETITION

More Than Requisite Number to Plea for Local Option Election

AGITATION IS GROWING

QUESTION OF COMMISSIONERS' RIGHTS TO COMBINE PRECINCTS UPHOLD BY CONSTITUTION.

Three hundred petitioners have signed the prayer that will be offered to the county commissioners' court Monday asking that an election be called in Commissioners' Precinct No. 1, embodying the various voting precincts of Amarillo. The petition list is not closed, but signers will continue to be secured until the time allotted for the filing. In each of the other precincts, petitions are being circulated. While the petitions are being circulated, and the signers earnestly sought, the commissioners in the absence of the petition have the right to order the election of their own volition.

The local option agitation is growing apace, but as yet it is not known along exactly what lines the fight will be opened and waged upon. It remains to be seen whether the tactics of the opposition forces will be. One thing now seems to be decided upon, and that is that the elections while ordered simultaneously, will be called separately in the several precincts to vote upon the question involved in the petitions that are agitating the public mind in Amarillo and Potter county. This course was decided upon in view of the following:

Constitution Cited.

In regard to the question which has been raised as to the right of the commissioners' court to combine the three commissioners' precincts, for which petitions are in circulation asking for local option elections, the matter stands thus: The constitution of 1876 as originally adopted provides as follows:

"The legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town or city, by majority vote from time to time may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits."

This was amended in 1891 by inserting just after the word "city," where it occurs in the above quotation, these words, "or such subdivision of a county as may be designated by the commissioners' court of said county."

Now, it would seem the plain intention of this amendment to authorize the commissioners' court to prescribe what part of the county should be voted on in a local option election. The power to combine justice's precincts, cities, towns, or other portions of the county into one subdivision for the purpose of a local option election seems plainly deductible from the adoption of the amendment. If it were not intended to give the commissioners' court full power in this respect, then the amendment was a vain thing.

Ruling of Courts.

However, the local option laws of the State past thirty-five years have been principally constructed by the court of criminal appeals, which has been during nearly all that time composed of a majority of anti-prohibitionists, and that court has industriously built up a series of obstructive precedents which have greatly impeded the progress of the local option movement. In pursuance of this policy that court held not only that the commissioners' court could not combine two or more commissioners' precincts in one local option order, but even went so far as to hold that it could not combine two or more justice's precincts in a single local option election. In 1904, the question as to whether two commissioners' precincts could be combined in a single local option election order came before the Supreme court on a certified question from the second court of civil appeals. Commissioners vs. Bent, 98 Texas, 191: 81 Southwestern, 526. The opinion was written by Judge Gaines, himself a staunch anti-prohibitionist. It is evident from the opinion that the other two members of the court did not really sanction the doctrine that two or more commissioners' precincts could not be combined in a single election, but they permitted Judge Gaines to say that in view of the fact that the enforcement of the local option law rested with the court of criminal appeals, the Supreme court would acquiesce in the position which the court of criminal appeals had taken on this question. After

Negro Delegates are Barred From Hotels In Denver

By Associated Press. Denver, Colo., Aug. 11.—The committee in charge of the arrangements for the second annual negro educational congress, opening here tomorrow is in serious perplexities, as approximately 2,500 delegates are expected and accommodations can be found for only one-fifth of that number.

POSSE IN AUTOS CHASES CONVICT

Fugitive From Iowa Prison Shot Guard Before Making Escape

By Associated Press. Anamosa, Iowa, Aug. 11.—A posse of 100 men in automobiles tonight is pursuing Charles Smith, an escaped convict from the Iowa penitentiary, in the timber of East Marion, Iowa. Smith is accompanied by two unidentified men, who today shot William Humaker, a prison guard, and then fled to a tree.

The fleeing trio are said to be in an automobile and heavily armed. It is stated that Humaker will probably die as he is shot in the stomach. Smith's confederates, by a ruse, decoyed Humaker to the point where he was shot in a stone quarry near the prison.

Ready to Race at Hamilton.

Hamilton, Ont., Aug. 11.—That the Hamilton Jockey Club's summer meeting, which commences tomorrow, will furnish the best racing of the year in Canada seems now a foregone conclusion. In addition to all the best stables that raced here during the spring meeting, there are now quartered at the track many fast horses that have been campaigning in the United States during the spring and early summer. The meeting will continue for seven days.

FAMOUS RIFLE EXPERT DEAD AT LOS ANGELES.

Los Angeles, Cal., Aug. 11.—Captain George F. Bartlett, considered one of the greatest rifle experts in the country, is dead here at the age of 85. He was for many years deputy United States marshal in the Pine Ridge Indian Reservation at South Dakota, and was wounded during the battle of Wounded Knee.

RESTLESS NIGHT FOR POPE PIUS

Affected Knee Causes Renewal of Suffering to His Holiness

Rome, Aug. 11.—(2 p. m.)—Pope Pius had a rather restless night and toward morning awoke as the result of a renewal of the burning sensation in his affected knee.

Treatment relieved him and at this hour he is reported sleeping peacefully. Physicians believe his restlessness is due to heat and over exertion yesterday when he appeared much better.

That decision the court of civil appeals following it, concurred also in the ruling made by the court of criminal appeals. However, the local option lawyers have never been satisfied with this ruling. The legislature certainly construed the amended constitution quite differently. It passed an act in 1897 amending the old local option act which had been passed before the constitution was amended and made the amended act read as follows:

"The commissioners' court of each county in the State whenever they deem it expedient, may order an election to be held by the qualified voters of said county or of any commissioners' or justice's precincts or school district or any two or more of any such political subdivision of a county as may be designated by the commissioners' court of said county," etc.

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AGREEMENT ON WOOL TARIFF

Conferees of Both Houses Finally Get Together on Bill

WILL REPORT TODAY

FREE LIST BILL TAKEN UP BUT CONFLICT CAUSES POSTPONEMENT OF CONSIDERATION.

By Associated Press. Washington, D. C., Aug. 11.—Conferees of the two houses of congress affected a complete agreement on the wool tariff at 6 o'clock this evening, after being in session since 10 o'clock this morning.

Then they began the consideration of the farmers' free list bill, and the wool bill as agreed upon will be reported to the Senate tomorrow by Senator La Follette and then to the House by Representative Underwood. The bill was so amended as to require that the law shall take effect October 1.

The free list bill was under consideration fifteen minutes, but the conflict between the conferees was so pronounced that action was postponed until tomorrow afternoon. Twenty-nine per cent ad valorem was fixed as a duty on raw wool and the classification changed to conform to the language of the House bill.

OAKLEY THORNE BEFORE PROBERS

Denies Statement Made by Perkins Regarding Tennessee Deal

Washington, Aug. 11.—Oakley Thorne, president of the Trust Company of America, which became involved in the financial panic of 1907, the affairs of which have been linked with the taking over of the Tennessee Coal and Iron Company by the United States Steel corporation at that crisis, followed George W. Perkins today as a witness before the House committee steel investigation. Thorne declared that the Trust Company of America was not the "chief sore point" of trouble at the time it was necessary to save the brokerage firm of Moore & Schley. He surprised the committee with the declaration that undue attention had been directed towards his company in that crisis and he denied any knowledge of an agreement, testified to by Perkins, that the taking over of the Tennessee Coal and Iron Co. by the Steel corporation to save Moore and Schley from ruin was dependent upon the bankers of New York raising money to save the Trust Company of America and the Lincoln Trust Company. He declared that thirteen million dollars will be taken out of his bank in one day run.

GOMEZ WILL RUN AGAINST MADERO.

Mexico City, Aug. 11.—Dr. Francisco Vasquez Gomez today announced his willingness to become a candidate for president of the Republic. He said that he could not see his way clear to refuse, if nominated.

Roosevelt on Alaska.

By Associated Press. New York, Aug. 11.—Former President Roosevelt has an article entitled "Alaska Again," in the current issue of the Outlook. After taking issue with a newspaper statement that during the Roosevelt administration the same course had been pursued that had been pursued later on in connection with Controller Bay, Roosevelt discussed the general phase of Alaskan development and added: "The government must take self control the development in Alaska, and adopt as the guiding principle the idea of shaping that development on the interest primarily of the people as a whole, the syndicate or other developing agencies thus receiving the benefit only as an incident to conferring it upon the citizenship."

Missionaries' Convention.

Lancaster, Pa., Aug. 11.—Prominent speakers from England, Canada and various parts of the United States are to address the annual convention and encampment of the Christian and Missionary Alliance, which met at Rocky Springs Park today for a ten days' session. Delegates are in attendance from New York, Pennsylvania, Maryland, Delaware, New Jersey and the District of Columbia.

SURVEY MADE OF NEW AUTO TRACK

Glenwood Course Will be Much Faster Than Old One

SPEED RECORDS EXPECTED

RAILROADS OFFER A SPECIAL RATE FOR MEET—WILL BRING THOUSANDS OF VISITORS.

Preliminary survey was made near Glenwood Park yesterday of the two and one-half mile auto race track that is to be established for the accommodation of the high class events billed to be pulled off in this city September 2 and 4. An inspection of the grounds proves to the members of the organization that the grounds now to be adopted will be much faster than those now abandoned by reason of the encroachment of the waters from Cow's Hoof lake, just west of the city. The difference is found in the almost absolute smoothness of the new track as compared with the undulating surface of the older one, and also through the elimination of the soft earth spots of the old course.

Officers of the local association state that the outlook for a classy series of events has never been equal to the present. The people are taking readily to the proposition to bring to Amarillo this exhibition which places this city on the map for sensational speed attractions, along with Indianapolis, Palm Beach and other world-famed courses.

Two Miles a Minute. Preparation of the grounds will be under the direction of skilled engineers, and every detail will be added that goes to make of an earth track, the most desirable of all courses for such events. Heretofore Amarillo and the Panhandle have stood against when the fearless and almost peerless drivers have clipped off speed at more than a mile per minute. In the coming events, the man who does not make a mile and a half to the minute will be but an indifferent attraction, and had better stay off the course. In fact it is stated that two miles per minute may not be impossible when the flying monsters shall take their places upon what will doubtless be one of the fastest dirt tracks on earth.

So thorough is the faith in the enterprise that the local association which is a full-fledged member of the Three A's, is going right ahead with the most extensive preparations. Several thousand dollars will be expended and the most excellent in every detail for the entertainment of the public will be provided.

Many Visitors Expected. That at least eight thousand visitors will be here from out of the city is stated by those promoting the enterprise. Adding to the assurance for this great ingathering of spectators is the excellent rates guaranteed by the railroads reaching for hundreds of miles in every direction. Autoists and all who are interested in exceptional events will doubtless come to Amarillo from a wide territory. Nothing even remotely suggestive of the worth of this series of events has ever been offered between Fort Worth and Denver, and, in fact, it is doubtful if the state of Texas has had in all details just as good an opportunity for record exhibits.

There can be little doubt that more than one Texas and southwest record will be established, and some of the more enthusiastic declare that world records are by no means improbable. With this conception of the enterprise there is little wonder that the people are sitting up and taking notice. Amarillo's reputation as the convention and entertainment center of the Panhandle will be augmented in marked degree, by reason of the scheduled races. Panhandle pride will prompt an attendance, for in some details at least the events will surpass any heretofore held in the state as a whole.

Wilcox Enthusiastic. Mr. Wilcox, whose fame as a race-driver is scarcely second to the best in the United States, and as a manager of the racing squad of his company is second to none in the world, is enthusiastic over this city. He declares that he is coming here with machinery worthy to make records, and will be astonished if some of the world's most sensational runs are not recorded during the stay of the celebrities in Amarillo.

The visitor is willing to give his time and attention to helping out the local boys, and his ideas will doubtless prove of the greatest value. The Three A's authorized by wire the removal from the former grounds and the establishment of new ones in the

Uhlman Cuts Half Mile Record by Over 3 Seconds

By Associated Press. Cleveland, O., Aug. 11.—Driven by his owner, C. K. G. Billings of New York, Uhlman, champion black gelding, broke the world's trotting record for a half mile, when hitched to a wagon in the open here this afternoon he covered the course in 56 1-4 seconds. The world's previous record was one minute made by Major Delmar.

STATE FINISHES IN FOSTER CASE

Argument for Prosecution and Defense Will Begin Today

The case of the State of Texas vs. Hirschell Foster, claimed attention in the district court yesterday, the state finally resting just before adjournment. It is scarcely probable that the defense will introduce any further evidence this morning, but rather that argument will be made, and the charge of the court delivered to the jury by or before noon.

This case is one possessed of unusual features, the defendant, a hack driver of this city, being held by an indictment charging at least partial responsibility for the death of a woman following an assault said to have been committed by the said defendant.

WOMAN FREED BY MAYOR OF IOLA

Released From Sentence to Join Chain Gang on Streets

Iola, Kans., Aug. 11.—Mayor Bellinger today freed Mrs. Reese, recently sentenced to don bloomers and work on the chain-gang by Municipal Judge Smeltzer.

She stepped from the city jail into the arms of her husband, Garfield Reese, who came from Fort Scott, Kansas to aid his wife.

They were estranged several months ago, but today patched up their differences.

SHARP QUAKE AT SAN BERNARDINO

Earth Tremors Most Severe in Years and Citizens Terrorized

By Associated Press. San Bernardino, Cal., Aug. 11.—The most severe earthquake felt in the most severe earthquake felt in this vicinity in years shook the business and the occupants fled into the streets. A lighter shock prevailed in the morning, but slight property damage resulted from the two.

new location. From a number of points in the Panhandle, already encouragement is being voiced for the enterprise, and doubtless as the true character of the coming events shall become known the small wave will be increased to a sweeping torrent that will bring the people into this city by the thousands. In view of the fact that the closing day of the racing events will be on Labor day there is every reason to believe that the attendance will be the largest ever known on a similar event in the Queen City of the Plains.

WEATHER

Local Forecast. Generally fair Saturday. Yesterday's temperature: 7 a. m. 66 7 p. m. 88 Maximum 95 Minimum 64 Max. 1910 84 Min. 1910 66

Washington Forecast. Washington, D. C., Aug. 11.—For West Texas: Fair Saturday and Sunday.

POLL TAX FRAUD ALLEGATIONS UP

Resolution Adopted in Senate Providing for Thorough Probe

SENSATIONAL EVIDENCE

IRREGULARITIES AND ACTIVE MONEY ALLEGED IN DALLAS, TARRANT AND OTHER COUNTIES.

Special to Daily News. Austin, Tex., Aug. 11.—Charges of poll tax frauds occupied the attention today of both the House and Senate probe committees.

In the Senate prohibition members introduced a resolution, which was adopted, providing for a thorough probe of poll tax frauds in the various counties of the state, with a view of enabling the legislature to act better in redistricting the state.

Attorney General's Opinion. It is the opinion of the attorney general that this resolution will, in effect, make legal the powers of the Senate probe committee. It is claimed that it gives the Senate the power which they were undecided whether they possessed.

Sensational Evidence. At the morning session of the House probers some sensational election conditions concerning the campaign in Dallas county were evolved through the testimony of Rev. John E. Davis of Dallas.

Rev. Davis alleged that in the campaign which resulted in his election one of his opponents, John Ward, was offered \$500 by Jim Klum, clerk of the House during the recent session of the legislature, if he would withdraw from the representative race. Ward refused and has declined to come before the House probers. Davis also said that he had heard of much corruption in Dallas county preceding the recent prohibition election with reference to poll taxes.

Irregularities in Tarrant. Judge Walker of Fort Worth, who was chairman of the pro organization of North Texas, told of what he regards as election irregularities during the late campaign at the Tarrant county polls and said that he had been informed that a hurry call was made on the Texas Brewing company of Fort Worth for an emergency contribution of \$10,000 to the anti's state funds a few days before the election.

C. W. Barret, who is a brother of Representative Barret, and who resides in Temple, told of what he believes were election irregularities. He declared that he had seen Earl Winn, an agent of the Anheuser-Busch Brewing Association in Temple, Belton and Waco, and had reason to believe that he was passing out poll tax receipts. He said that the negroes of Temple were herded together by the anti's and that numerous attempts were made to secure poll tax receipts. He said that to vote for them. However, he said that these efforts failed.

Thomas P. Love of Dallas was a witness before the Senate committee and told of certain irregularities and preceding the recent election in Dallas. He said that remarkable activities was shown in Dallas county by the anti's to vote as many negroes as was possible.

APPROPRIATION BILL CONSIDERATION ENDED.

Austin, Tex., Aug. 11.—Both branches of the legislature compared the consideration of the general appropriation bill this evening, and the Senate adjourned until Monday, while the House will meet tomorrow and formally adopt the bill as a whole.

As it will be impossible for the House to accept the Senate or vice versa, a free conference committee will be appointed and adjust the differences between the two measures. The bill is expected to reach the governor for approval by next Tuesday. The legislature will now devote its time to consideration of the redistricting bills.

DELEGATE WICKERSHAM WILL BE CANDIDATE.

Seattle, Wash., Aug. 11.—The Alaskan delegate, James Wickersham, here, today, denied the report that he would not be a candidate for re-election. He declared himself opposed to the Robinson-Woods coal land leasing bill, now pending in congress.

He declared: "Colonel Roosevelt and Gifford Mitchell are as radically wrong in their conception of Alaska as is the president, and between the two interests, Alaska is being crushed."